



Agenda Date: 3/15/00
Agenda Item: IV-A

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF BURLINGTON)
COUNTY, INC., FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN AND FOR)
THE CITY OF BEVERLY, COUNTY)
OF BURLINGTON, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE99110832

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

City Clerk, City of Beverly, New Jersey, by Trudi Desjardins, for the City.

BY THE BOARD:

On November 21, 1979, the Board granted Futurevision Cable Enterprises, Inc. ("Futurevision") Certificate of Approval in Docket No. 799C-6539, for the construction, operation and maintenance of a cable television system in the City of Beverly ("City"). On December 18, 1980, in Docket No. 8011C-6730, the Board approved the transfer of the Certificate from Futurevision to Storer Riverfront Cable Communications d/b/a Storer Cable Communications ("Riverfront"). On July 1, 1988, in Docket No. CM8605542, the Board approved an internal corporate reorganization authorizing Riverfront to transfer its assets and Certificates of Approval to Storer Cable Communications of Burlington County, Inc. d/b/a Storer Cable Communications ("Storer"). On July 19, 1990, the Board granted Storer a Renewal Certificate of Approval for the City, in Docket No. CE89060556. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Burlington County, Inc. d/b/a Storer Cable Communications ("Comcast"). This transaction was an internal reorganization not requiring Board approval. Subsequently, Comcast dropped the name Storer and is now known as Comcast Cablevision of Burlington County, Inc. ("Petitioner"). The Petitioner's Certificate expired on November 21, 1999, however, it is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the City on February 19, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On September 14, 1999, after public hearing, the City passed a resolution indicating its intentions to renew the municipal consent and setting forth its underlying reasons. On September 28, 1999, the City adopted a municipal ordinance granting renewal consent to the Petitioner. On October 22, 1999, the Petitioner accepted the ordinance in accordance with N.J.S.A. 48:5A-24.

On November 22, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the City. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, these qualifications were reviewed by the City in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. If the City determines that the Petitioner has substantially failed to comply with the material terms of the ordinance, the City shall give written notice and 90 days opportunity to cure to the Petitioner. If the Petitioner does not cure the deficiencies, the City may request that the Board take action, including modification or termination of the franchise.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner will maintain a local business office within the County of Burlington for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 21 Beverly-Rancocas Road in Willingboro Township.

9. The franchise fee to be paid to the City is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the City. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide cable service to any resident or business in the City at standard and non-standard installation rates.
11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. The ordinance requires the Petitioner to continue to provide a system wide public access channel. The channel shall be available for use by qualified individuals and organizations for cablecasting non-commercial access programming. This channel is shared with the Petitioner's leased access channel. The Petitioner shall provide the use of some production equipment.
12. The Petitioner will provide standard installation and monthly service, free of charge, to all accredited schools and libraries located in the City.
13. Upon reasonable written request of the City, the Petitioner shall meet with the City Council or the City's Cable Television Advisory Committee at least once annually at a public hearing to discuss the Petitioner's matters pertaining to the provision of cable service to residents of the City and other related issues as the City and the Petitioner may see fit.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the City.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on November 21, 2014.

DATED: March 16, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

ATTEST:

FREDERICK F. BUTLER
COMMISSIONER

(signed)

EDWARD D. BESLOW
ACTING SECRETARY